

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-56-30 et seq.

R.61-79 HAZARDOUS WASTE MANAGEMENT REGULATIONS

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend R.61-79, Hazardous Waste Management Regulations. This Notice of Drafting of November 25, 2011, replaces and supersedes a previous Notice of Drafting published in the S.C. State Register on June 24, 2011. Interested persons are invited to present their views in writing to Richard Haynes, Director of the Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, December 30, 2011 the close of the drafting comment period.

The Department is proposing to amend R.61-79 by promulgating regulations to adopt three final rules published in the Federal Register by the United States Environmental Protection Agency (EPA). The three final rules are summarized below.

Synopsis:

1. The Department is proposing to adopt the “Revisions to the Requirements for: Transboundary Shipments of Hazardous Wastes Between OECD Member Countries, Export Shipments of Spent Lead-Acid Batteries, Submitting Exception Reports for Export Shipments of Hazardous Wastes, and Imports of Hazardous Wastes Final Rule,” published on January 8, 2010 at 75 FR 1236. This rule amends certain regulations regarding hazardous waste exports from and imports into the United States. Specifically, the amendments implement recent changes to the agreements among countries belonging to the Organization for Economic Cooperation and Development (OECD), establish notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country, specify requirements for exception reports concerning hazardous waste exports, and require import consent documentation for U.S. facilities receiving incoming hazardous waste import shipments. Because of the federal government’s special role in matters of foreign policy, EPA does not authorize States to administer federal import/export functions in any section of the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations; however, State programs are still required to adopt these provisions that are more stringent than existing federal requirements to maintain their equivalency with the federal program.

2. The Department is proposing to adopt the “Withdrawal of the Emission-Comparable Fuel Exclusion Under RCRA Final Rule,” published on June 15, 2010 at 75 FR 33712. This rule withdraws the conditional exclusion from regulations under Subtitle C of RCRA for Emission Comparable Fuel (ECF). These are fuels produced from hazardous secondary materials which, when burned in industrial boilers under specified conditions, generate emissions that are comparable to emissions from burning fuel oil in those boilers. EPA withdrew this conditional exclusion because they concluded that ECFs are more appropriately classified as a discarded material and regulated as a hazardous waste. This rule supercedes a previous rule published on June 19, 1998 at 63 FR 33732, which was adopted by South Carolina on November 26, 1999. If a State adopted the original rule, they must adopt this new final rule in order to maintain federal compliance.

3. The Department is proposing to adopt parts of the “Hazardous Waste Technical Corrections and Clarifications Final Rule,” published on March 18, 2010 at 75 FR 12989. This rule makes a number of technical changes that correct or clarify several parts of the RCRA hazardous waste regulations. These

errors have occurred over time in numerous final rules published in the *Federal Register*, such as typographical errors, incorrect or outdated citations, and omissions. The only corrections being made from this final rule are to items adopted for federal compliance. Corrections to the Standardized Permit Rule and the Definition of Solid Waste Rule are not being made since South Carolina did not adopt these two rules.

4. The Department also intends to amend R.61-79 to correct errors and omissions in the previously adopted National Manifest Final Rule at 70 FR 10776 (March 4, 2005), which was published as a final regulation in the S.C. *State Register* on May 28, 2010 as Document 4080. The errors and omissions being corrected were the result of an incomplete transfer of information from the EPA to the State and would bring the South Carolina Hazardous Waste Management Regulations into conformity with the U.S. Code of Federal Regulations. The National Manifest Rule was required for federal compliance and replaces individual State manifest rules. No new provisions will be included in the corrections.

Legislative Review of these proposed amendments will not be required pursuant to S.C. Code Section 1-23-110(A)(3)(h).